



**PROPOSED RULE MAKING
(RCW 34.05.320)**

CR-102 (7/22/01)
**Do NOT use for expedited
rule making**

Agency: Public Disclosure Commission

- ☒ Preproposal Statement of Inquiry was filed as WSR 02-04-049 ; or
☐ Expedited Rule Making -- Proposed notice was filed as WSR _____; or
☐ Proposal is exempt under RCW 34.05.310(4).

- ☒ Original Notice
☐ Supplemental Notice
to WSR _____
☐ Continuance of WSR _____

(a) Title of rule: (Describe Subject) Title 390 WAC -- Rules relating to independent expenditures, sample ballots and slate cards, reports filed by nonreporting committees, exempt activities and the definition of Caucus of the State Legislature.

Purpose:

To clarify and implement changes to RCW 42.17 and to simplify and streamline the campaign reporting process for candidates and political committees.

Other identifying information:

(b) Statutory authority for adoption: RCW 42.17.370(1)

Statute being implemented: RCW 42.17.103 and .370(1)

(c) Summary: The proposed rule changes would repeal one rule, amend the form and reporting requirements for nonreporting committees, implement RCW 42.17.103, clarify definitions of exempt activities and sample ballots and slate cards, and simplify reporting of independent expenditure political advertising.

Reasons supporting proposal: The proposed new rule and rule amendments conform to statutory changes under RCW 42.17.103, clarify requirements of nonreporting committees, provide guidance to political party committees on the use of exempt funds, and define "top five contributors" for the purpose of political advertising by independent expenditure committees.

(d) Name of Agency Personnel Responsible for:	Office Location	Telephone
1. Drafting..... Doug Ellis	PDC 711 Capitol Way, Rm 206, Olympia	(360) 664-2735
2. Implementation.... Doug Ellis	PDC 711 Capitol Way, Rm 206, Olympia	(360) 664-2735
3. Enforcement..... Phil Stutzman	PDC 711 Capitol Way, Rm 206, Olympia	(360) 664-8853

(e) Name of proponent (person or organization): Public Disclosure Commission

- ☐ Private
☐ Public
☒ Governmental

(f) Agency comments or recommendations, if any, as to statutory language, implementation, enforcement and fiscal matters:
None

(g) Is rule necessary because of:

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	If yes, ATTACH COPY OF TEXT Citation:
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	

(h) HEARING LOCATION:

Commission Hearing Room
Evergreen Plaza Building
711 Capitol Way, Room 206
Olympia, WA

Date: May 21, 2002 Time: 9:00 a.m.

Assistance for persons with disabilities: Contact
Ruthann Bryant by Telephone

TDD () _____ or (360) 753-1111

NAME (TYPE OR PRINT)

Susan Harris

SIGNATURE

TITLE

Assistant Director

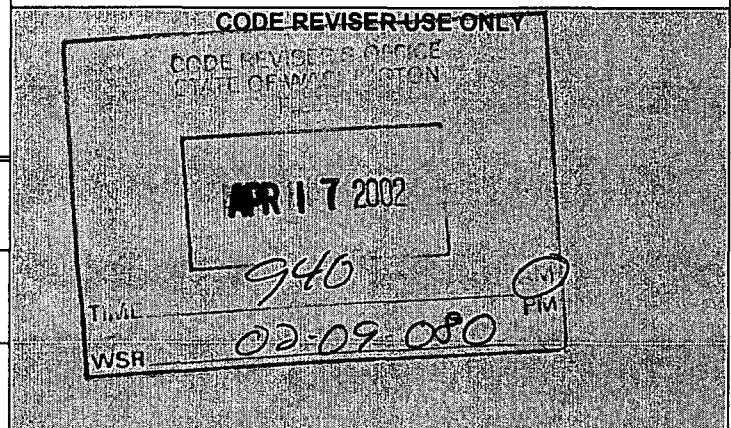
DATE

4/16/02

Submit written comments to:

Doug Ellis (dellis@pdc.wa.gov)
Public Disclosure Commission
PO Box 40908
Olympia, WA 98504-0908
FAX (360) 753-1112 By (date) May 17, 2002

DATE OF INTENDED ADOPTION: May 21, 2002



(COMPLETE REVERSE SIDE)

(j) Short explanation of rule, its purpose, and anticipated effects:

The proposed rule changes would conform with statutory changes under RCW 42.17.103 which requires the reporting of independent expenditures within 24 hours of first being published or presented to the public during the 21 days before an election and would also specify the requirements and the kinds of committees that file PDC form C-5. The rule amendments define "Top Five Contributors" under RCW 42.17.510(2) and allow political committees to identify the top five contributors giving to the committee to underwrite political advertising for a specific independent expenditure. The definition of caucus of the state legislature is repealed.

The proposed rule changes also references the Washington State Supreme Court's decision regarding issue advocacy and the use of exempt funds, allows generic get-out-the-vote activity, regardless of the number of candidates benefited, to be funded with exempt contributions, and clarifies that at least three candidates must be listed on sample ballots and slate cards and that the distribution of sample ballots and slate cards must be within a geographical area where voters are eligible to vote for at least three candidates listed.

The proposed rule changes provide guidance and clarification to candidates and political committees on current statutory requirements.

Does proposal change existing rules? ☒ YES ☐ NO

If yes, describe changes:

The proposed changes clarify, simplify and streamline the campaign reporting process for candidates and political committees.

(k) Has a small business economic impact statement been prepared under chapter 19.85 RCW?

☐ Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by writing to:

telephoning: ()

faxing: ()

☒ No. Explain why no statement was prepared

The implementation of these rules does not impact small businesses.

(l) Does RCW 34.05.328 apply to this rule adoption? ☐ Yes ☒ No

Please explain:

The PDC is not an agency listed in subsection (5)(a)(i) of section 201. Further, the PDC does not voluntarily make section 201 applicable to this rule adoption pursuant to subsection (5)(a)(ii) of section 201, and to date JARRC has not made section 201 applicable to this rule adoption.

AMENDATORY SECTION (Amending WSR 02-03-018, filed 1/4/02, effective 2/4/02)

WAC 390-16-060 Forms for report of independent expenditures.

(1) The official form for reports of independent expenditures as required by RCW 42.17.100 and 42.17.103 is designated "C-6," revised ((1/02)) 6/02. Copies of this form are available at the Commission Office, Room 206, Evergreen Plaza Building, Olympia, Washington 98504. Any paper attachments shall be on 8 1/2" x 11" white paper.

(2) The C-6 report may be filed electronically consistent with WAC 390-19-040 by using an electronic filing alternative provided or approved by the commission.

INDEPENDENT CAMPAIGN EXPENDITURES \$100.00 OR MORE

1. Name and address of person making expenditure

2. Check appropriate box

☐ One time report. I do not expect to make other independent expenditures.

☐ I do expect to make other independent expenditures (See instructions)

☐ Final report.

2. Name of candidate or ballot proposition supported or opposed: check ☐ support or ☐ oppose

3a. List the value of all independent expenditures made if aggregate is \$100 or more. Itemize expenditures of more than \$50 made in support or in opposition to any candidate or ballot proposition during an election campaign. Do not include monetary or in-kind contributions made directly to a candidate or political committee.

Date	Name and address of vendor or recipient	Description of expenditure (goods, services, or rights purchased or furnished)	Amount or value (* see below)
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Expenditures \$50 or less not itemized above

Total this report period

\$

3b.

Total independent expenditures made during this election campaign.
Include expenditures shown in this report and previously submitted reports.

\$

INSTRUCTIONS

WHO MUST REPORT:

Persons who make expenditures aggregating \$100 or more during any election campaign in support of or opposition to a candidate or ballot proposition if not made directly to or in coordination with the candidate or a political committee.

WHEN TO REPORT: When aggregate amount reaches:

less than \$100 — No report is required

\$100 or more (or value cannot be estimated)

— Within 5 days

If additional expenditures made

— * 10th of month preceding election in which other reports are not required.

* 21 days prior to election

* 7 days prior to election

* 10th day of month after election

* Required only when expenditures have been made since last report was submitted.

WHERE TO REPORT:

Copy # 1 — Public Disclosure Commission,

Copy # 2 — County Elections Officer of candidate. For ballot propositions with County Elections Officer of person filing this report.

AMOUNT OR VALUE

*If no reasonable estimate can be made of value, describe activity, services, property or right furnished precisely and attach copy of item produced or distributed.

CERTIFICATION: I hereby certify that the above is true, complete and correct to the best of my knowledge.

Signature of person making expenditures

Name

Title

Date

Form C6 6/02	This space for office use P O S T M A R K R E C E I V E D
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Use this form for: (check one)

- ☐ **INDEPENDENT EXPENDITURES** (Occurring at any time) — **\$100 or more**
☐ **INDEPENDENT EXPENDITURE ADS** (Appearing within 21 Days of an Election) — **\$1,000 or more**

See instructions on Reverse

1. Name and address of person making expenditure:

Name _____ Mailing Address _____ City / State / Zip Code _____

2. Candidate(s) or ballot proposition(s) supported or opposed.

Candidate/Proposition Names _____ Office/District/Proposition Number _____ Party (If Partisan) _____

Check

☐ Support or ☐ Oppose

☐ Support or ☐ Oppose

☐ Support or ☐ Oppose

Continued on attached sheet. ☐

3. Identify independent expenditures. Itemize expenditures of more than \$50 that are part of an independent expenditure supporting or opposing any state or local office candidate or ballot proposition.

Date Made	Date first Published/ Presented	Name and Address of Vendor or Recipient	Description of Expenditure (E.g., direct mail, newspaper ad, TV or radio ad)	Amount or Value (*See Below)

Expenditures \$50 or less not itemized above

Amount or Value

Total this report

\$ _____

*If no reasonable estimate can be made of value, describe activity, services, property or right furnished precisely and attach copy of item produced or distributed.

Total independent expenditures made by filer during this election campaign. Include expenditures shown in this report and previously submitted reports.

\$ _____

Person responsible for making Independent Expenditure:

I certify (or declare) under penalty of perjury under the laws of the State of Washington that this expenditure was not made in cooperation, consultation, or concert with, or at the request or suggestion of, the above mentioned candidate, the candidate's authorized committee, or an agent of the candidate. I further certify that the above information is true, complete, and correct to the best of my knowledge.

Signature

Printed name

Street address

City/State/Zip

Date Signed

Place signed (city and county)

*RCW 9A.72.040 provides that: "(1) A person is guilty of false swearing if he makes a false statement, which he knows to be false, under an oath required or authorized by law. (2) False swearing is a misdemeanor."

INSTRUCTIONS – C6 REPORT

Rev. 6/02

WHO MUST REPORT:

- (1) Persons who make independent expenditures aggregating \$100 or more anytime during an election campaign in support of or opposition to a candidate or ballot proposition.
- (2) Persons sponsoring independent expenditure political ads valued at \$1,000 or more that are mailed or presented to the public within twenty-one days of a primary, general or special election.

DO NOT report monetary or in-kind contributions made directly to or in coordination with a candidate or political committee.

WHEN AND WHERE TO REPORT:

When aggregate amount reaches:

Less than \$100

—No report is required

\$100 or more (or value cannot be estimated)

—Postmark within 5 days of making the expenditure.

If additional expenditures are made:

- 10th of month preceding election in which other reports are not required*
- 21 days prior to election*
- 7 days prior to election*
- 10th day of month after election*

**Required only when expenditures have been made since last report was submitted.*

Send **original to Public Disclosure Commission**. Send a **copy to the County Auditor** (county elections office) of the county of residence of the candidate supported or opposed. For ballot propositions, County Elections Officer of the county of residence of the person responsible for the independent expenditure. Persons making independent expenditures are advised to contact their City Clerk to learn if local filing is required by local ordinance.

\$1,000 or more and ads are presented to the public within 21 days of an election

—Deliver (electronic^①, fax^②, or paper format) to PDC within 24 hours of, or on the first working day after, the date the advertisement was first published, mailed, or otherwise presented to the public.

Additional independent expenditures of any amount following the expenditure listed on the initial filing must be reported within 24 hours of, or on the first working day after, the date the new advertisement is first published, mailed, or otherwise presented to the public.

^① Fill out and sign electronic filing signature card, fax a copy of the signature card to the PDC, complete and file the electronic C6 report. Mail the original signature card to PDC within 24 hours.

^② Fax a copy of the signed C6 report to the PDC and mail the original within 24 hours.

Send **original to Public Disclosure Commission**. County filing is **NOT** required for reports due within 24 hours. Persons making independent expenditures are advised to contact their City Clerk to learn if local filing is required by local ordinance.